



Private coping - Fair Compensation vs. Competitiveness of the Technology Market

The changes that are being discussed in the Portuguese Parliament regarding Private Coping Law give rise to an intense discussion between political parties, authors, associations, producers, distributors, retailers and, in particular, consumers.

Indeed, it is undeniable that the approval of the Draft Law number 246/XII, not only could give rise to a change of the competitive behavior of companies in the electric and electronic sector, but also could change the market demand of the Portuguese consumers.

Over the past years, the online sales market appears more attractive to consumers due to the level of prices offered. Therefore, it is likely that the Portuguese consumers, before the implementation of a new "tax", seek to purchase the same equipment through, for example, an online purchase to companies that are not subject to the Portuguese Law.

On the other hand, this issue should also be analysed from the point of view of the protection of authors rights. It is also undeniable that the legislation currently in force is completely unsuited regarding the advance of the technology that is available to the consumers and the way that the literary

and artistic works are displayed and shared by them.

The time of the discussion of the Draft Law is also controversial. Being imperative to transpose the Directive 2001/29/EC, it is argued that the experience of our neighboring country should be an example in order to search for new solutions for copyright.

It is undeniable that the approval of the Draft Law should cause a change in the behaviour of companies and consumers

Since the submission of the proposal by the Socialist Party in 2012 and until the final text approved by the Parliament in 19 September 2014, many amendments have been made to the scope and to the amount of the surcharges.

Due to the positions of the political parties, it is expected that the final text of the law undergoes significant changes.

A.M.Moura provide with the present Legal Update a table with the several types of equipment that are now covered and the surcharge applicable per unit or based in the storage capacity.

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Note: The information provided here in is of general nature and neither constitutes nor dispenses appropriate legal advice.

Devices	Surcharges Proposed in the Draft Law
Multifunction equipment or ink jet copiers	5.00 €
Multifunction equipment or laser copiers - until 40 pages for minute	10.00 €
Multifunction equipment or laser copiers - more than 40 pages for minute	20.00 €
Scanners and other equipments	2.00 €
Ink jet printers	2.5 €
Laser printers	7.5 €
Audio Recorders	0.20 €
Video Recorders	0.20 €
Recorder specific compact (CD)	1.00 €
Versatile disc recorders	2.00 €
Combination recorders (CD and DVD)	3.00 €
Blu-ray disc record	3.00 €
Analog materials supports such as audio or similar	0,10 €
Analog materials supports such as video or similar (VHS)	0,10 €
Non-rewritable Compact Disc (CD)	0,05 €
Compact discs of 8 cm	0,05 €
Minidisc Format discs	0,05 €
Data rewritable compact discs (CD-RW)	0,10 €
Non-rewritable (DVD-R) versatile discs	0,10 €
Rewritable versatile discs (DVD-RW)	0,20 €
RAM Versatile Discs (DVD-RAM)	0,20 €
Blu-ray Discs	0,20 €
USB memories	0,016 € - per GB, until 7.50 €
Memory cards	0,016 € - per GB, until 7.50 €
Memories and integrated hard disks on devices with copie phonograms and / or video record functions	0,016 € - per GB, until 15.00 €
Media or storage devices such as drives called "multimedia" or others that have one or more audio and video outputs or inputs that enable the recording of sounds and animated images	0,016 € - per GB, until 15.00 €
Memories and hard disks integrated on devices with TV function and on devices that ensure the interface between the TV and the TV set including the decoders or devices that allow the TV services access by subscription enabling store sounds and animated images	0,016 € - per GB, until 15.00 € (or 0,004 € for others, until 7.50 €)
External hard drives or SSD that rely on a computer or other equipment to perform the function of reproduction and allows the storage of animated images and sounds	0,004 € - per GB, until 7.50 €
Memories and hard drives integrated in devices dedicated to the reproduction, reading and storage of sound recordings, musical works and any other sound content in compressed format	0,20 € - per GB, until 15.00 €
Memories and integrated hard disks in mobile phones that allows store and view of music and video works	0,12 € - per GB, until 15.00 €
Memories or hard drives integrated in multimedia tablets with touch screens that allows store music and video works	0,12 € - per GB, until 15.00 €